

2001 DRAFTING REQUEST**Bill**Received: **12/19/2001**Received By: **rryan**Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**By/Representing: **Peter Anderson**This file may be shown to any legislator: **NO**Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **NO****Pre Topic:**

No specific pre topic given

Topic:

Battery to health care providers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 01/07/2002						
/1			pgreensl 01/07/2002		lrb_docadmin 01/07/2002	lrb_docadmin 01/14/2002 lrb_docadmin 01/14/2002	

FE Sent For:

<END>

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<END>

2001 DRAFTING REQUESTNew number
4588**Bill**Received: **12/19/2001**Wanted: **As time permits**For: **Robert Wirth (608) 267-8979**This file may be shown to any legislator: **NO**

May Contact:

Subject: **Criminal Law - miscellaneous**Received By: **rryan**

Identical to LRB:

By/Representing: **Peter Anderson**Drafter: **rryan**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Wirth@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Battery to health care providers

Instructions:

See Attached

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FE Sent For:

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BAD Number



ROBERT W. WIRCH
STATE SENATOR TWENTY-SECOND DISTRICT

December 19, 2001

TO: Robin Ryan, Legislative Reference Bureau

FROM: Senator Bob Wirsch

SUBJECT: Drafting Request

An issue has been brought to my attention that requires a change in law to remedy. A constituent in my Senate District was assaulted by a patient while working as a floor nurse at Kenosha Medical Hospital. It is my understanding that under the current state statutes, the patient can only be charged with a misdemeanor.

According to the Legislative Council, a remedy to this problem would be to add health care providers to the list of Battery: Special Circumstances under s. 940.20 of the statutes. Apparently, battery to such groups as emergency medical care providers, law enforcement officers and firefighters, and various other groups is classified as a Class D felony. It is my intent to cover all health care providers (nurses, doctors).

At your earliest convenience, could you please draft the above as well as any other changes you think would be necessary to accomplish my intent. Please feel free to contact Peter Andersen in my office if you have any questions.

Thank you for your assistance.



State of Wisconsin
2001 - 2002 LEGISLATURE

4588/1
LRB-44527
RLR:lmh

In 1/4/02

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMR

Gen. Cat.

1 **AN ACT ...; relating to: battery to a health care provider and providing a penalty.**

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another (commits simple battery) is guilty of a Class A misdemeanor, for which the person may be fined not more than \$10,000 or incarcerated for up to nine months or both. "Bodily harm" is defined as physical pain or injury, illness, or any impairment of physical condition. If the intentional battery results in greater injury, such as a laceration, broken bone, serious risk of death, or certain permanent disfigurements, the penalties are greater. The penalties are also greater if a person commits simple battery against certain persons, such as judges, probation and parole agents, school district officers or employees, or emergency medical care providers.

This bill increases the penalty for committing simple battery against a nurse, physician, or physician assistant who is acting in his or her capacity as a health care provider, if the batterer knows or has reason to know that the victim is a nurse, physician, or physician assistant. The bill makes battery to a nurse, physician, or physician assistant a Class D felony, for which a person may be fined not more than \$10,000; sentenced to a term of confinement followed by a term of extended supervision that together may not exceed ten years; or both.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1. 940.20 (8) of the statutes is created to read:**

940.20 (8) BATTERY TO HEALTH CARE PROVIDER. (a) In this subsection, “health care provider” means a nurse licensed under ch. 441 or a physician or physician assistant licensed under subch. II of ch. 448.

(b) Whoever intentionally causes bodily harm to a health care provider without the consent of the health care provider while the health care provider is acting in his or her capacity as a health care provider, if the person knows or has reason to know that the victim is a health care provider, is guilty of a Class D felony.

(END)



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 7, 2002

MEMORANDUM

To: Senator Wirch

From: Robin L. Ryan, Legislative Attorney

Re: LRB-4588/1 Battery to health care providers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

____ JACKET FOR ASSEMBLY X JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.